

## IN THE FAIR WORK COMMISSION

**Matter No.:** AM2016/23, AM2014/260, 274 and 278

**Applicant:** Construction, Forestry, Mining and Energy Union

*Fair Work Act 2009*

Part 2-3, Div 4 –s.156 - 4 yearly review of modern awards

Construction Awards

*Building and Construction General On-Site Award 2010*

[MA000020]

*Joinery and Building Trades Award 2010*

[MA000029]

*Mobile Crane Hiring Award 2010*

[MA000032]

### STATEMENT OF JEFFREY ALLAN SHARP

I, Jeffrey Allan Sharp of 685 Spencer St, West Melbourne in the State of Victoria, Organiser for The Australian Workers' Union, state as follows:

#### Background

1. I have been employed by the Victorian Branch of The Australian Workers' Union ("AWU") as an organiser since July 2012.
2. I am aware that the Construction, Forestry, Mining and Energy Union ("CFMEU") has applied to vary provisions of the *Building and Construction General On-Site Award 2010*, the *Joinery and Building Trades Award 2010*, and the *Mobile Crane Hiring Award 2010* ("the Construction Awards") relating to living away from home ("the Living Away from Home Claim").
3. I make this statement in response to the Living Away from Home Claim.

#### Construction industry experience

4. My role involves representing the industrial interests of AWU members in the construction and mechanical maintenance industries.
5. I am the organiser responsible for AWU members employed by a range of construction industry employers including:

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- a. CBI Constructors Pty Ltd;
  - b. Wood Group PSN Pty Ltd;
  - c. Transfield Pty Limited;
  - d. Chelgrave Contracting Australia Pty Ltd;
  - e. UGL Limited; and
  - f. Downer EDI Limited.
6. Prior to my employment with the AWU, I worked in the construction industry from 1971 to July 2012.

### **Types of accommodation**

7. There are three common types of accommodation arrangements in the construction industry. The first is where the employer pays a living away from home allowance and the workers find their own accommodation. The second is where the employer will set up a fully serviced camp site where employees stay in portable buildings called “dongers”. The third is where the employer will rent hotel or motel rooms for the workers and pay them a meal/accommodation allowance.
8. The type of living away from home arrangement used often depends on how long and how remote a job is. The longer and more remote the job is, the more likely it is that the employer will build a camp. The shorter and less remote a job is, the more likely it is that the employer will use hotel/motel accommodation. In circumstances where the employee does not want to use the provided accommodation, or on shorter jobs, the employee may arrange their own accommodation.
9. To the best of my knowledge, camping in tents or caravan parks is not used as an accommodation arrangement in the industry.
10. My members and I have experienced issues communicating with home while living in company camps. Depending on the location, sometimes phone and internet access is limited or unavailable. I would estimate that one about three quarters of the time there is enough access, and one quarter of the time there is no, access, or not enough access. As a result, sometimes people can't communicate with their families.
11. Working away from home is stressful, and not being able to communicate with friends and family can make the stress worse. Issues come up at home and you can't deal with them if you have no phone or internet access. Some workers develop problems with alcohol or other drug abuse or have existing problems that are made worse by the stress and boredom caused by the lack of access to phones and internet.

### **Compensation for meals**

12. On jobs where employers provide accommodation only, employees usually paid an allowance of between \$50 and \$80 a day. Meal costs vary depending on the region, with more remote locations being more expensive. An allowance of between \$50 and \$80 a day will not always cover the costs of meals, particularly at the lower end of this range.

## **Gate starts**

13. I am aware of the practice of “gate starts”, where a worker who does not live in the local area around a job gives a false, local address to get work on a job, and is then not paid the living away from home allowances and expenses that they would otherwise receive.
14. Typically, an employer will tell an employee that they want to employ them, but can't because their home address is outside the local area. The employer will then tell the employee that if they give a local address, they will get the job, and if they don't give a local address, they won't get the job.
15. The purpose of “gate starts” is typically to avoid having to pay living away from home allowances and expenses.
16. Gate starts are a very big issue in the construction industry. I am currently in dispute with an employer about their use of gate starts. In my experience, usually only a small number of employees who are working on a distant or remote job will actually be paid living away from home allowances and expenses, while a large percentage of workers will do gate starts.
17. Once a job has started, employees who have given a local address at the request of their employer will often approach me and ask for my help resolving the issue. For example, at a recent job, I was approached by about 20 workers who had given a local address at the request of their employer, and who now wished to claim a living away from home allowance.

## **“Motelling”**

18. I am aware of the practice of “motelling”, also called hot bedding, where workers are required to pack up their belongings and vacate their room when they are on leave, or rest and recreation (“**R&R**”).
19. Until recently, this practice rarely occurred, but in recent times, it appears to have become more common, particularly in remote areas where accommodation is limited.
20. In my experience, workers are opposed to this practice.
21. Employees set their room up with all their personal belongings, which may include televisions and stereos, and it's a big inconvenience to have to pack your gear away, and set it back up somewhere else.
22. Workers on construction jobs are performing hard manual labour, often in hot conditions, and will come back to their rooms, and lie on their beds, covered in sweat. Workers do not want to use a mattress that other workers have sweated all over.

## **Rosters**

23. On pipeline construction jobs, the common industry working roster used to be 28 days on the job and nine days R&R, with paid travel undertaken during R&R.
24. The common roster changed in 2015 to provide for 21 days on and seven days off, with some travel during work days and some travel during R&R. Employees finish work early on

the twenty-first day, so they can travel home the same day, but travel back to the site is done on the last R&R day. Under this arrangement, travel to and from site is still paid.

25. In the offshore construction industry common rosters include two weeks on and two weeks off, three weeks on and three weeks off, four weeks on and two weeks off, one week on and one week off, and four weeks on and four weeks off. Travel is usually, but not always, done during R&R and is paid.
26. It's common to hear of workers having difficulties working longer rosters. Most of these come from having to spend longer periods of time away from their family and friends at home. Difficulties arising from long work rosters include workers being unable to visit or care for sick partners and relatives and missing important family occasions like birthdays and anniversaries.
27. These types of difficulties can lead to more serious issues including marriages breaking down, children developing behavioural problems, and workers experiencing depression, anxiety and even attempting or committing suicide. On longer rosters, workers can also find it difficult to adjust back to life at home.
28. When workers are on longer rosters, and are away from home for longer periods in camps where there's not much to do, they can also get extremely bored, and are more likely to abuse alcohol or other drugs as a result.
29. Construction work is exhausting work, and dangerous to perform when fatigued. When workers are on a job for four or five weeks straight, they can become fatigued, and I believe this makes longer rosters more dangerous.
30. You can see the effect that longer rosters have on workers. By the end of their work roster, they are drained and short-tempered. If there is an accident or a fight on a job, it usually happens in the last week of a roster.
31. Workers also experience issues relating to travel time being part of their R&R. Every day off work counts. You've got family that you need to spend time with, jobs around the house to do and financial matters to sort out. It can be very hard to fit everything into the time left, especially when you're travelling on R&R.



**Jeffery Allan Sharp**

9 December 2016